GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department –Caste Verification - A.P.High Court - W.P.No.29220 of 2008, dated: 29.12.2015 filed by Sri Bariki Narasappa, S/o B. Lakshmaiah, Occ: Inspector of Police, O/o Regional Vigilance & Enforcement Officer, Tirupathi, Chittoor District, against the G.O.Ms.No.213, S.W.(CV.1) Department, dated: 20.11.2008 & proceedings, dated: 08.09.2005, of the District Collector, Kurnool, under Section 8 (1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Revision Petition dismissed – Orders -Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 76 **Dated: 12-03-2019**
Read the following:

1. Proceedings of the District Collector, Kurnool, Rc.No. C6.1306/M/2004, dated: 08.09.2005.
2. G.O.Ms.No.213, S.W.(CV.1) Department, dated: 20.11.2008.
3. Orders of the Hon'ble High Court of AP, Hyderabad in W.P.No.29220/2008, dated 29.12.2015 filed by Sri Bariki Narasappa.
4. Govt. Memo No. 991/CV.1/2009, dated: 29.04.2016, 30.11.2016, 11.01.2017, 24.05.2017 & 11.07.2017.
5. Written Arguments filed by Sri Bariki Narasappa, S/o Lakshmaiah, before the Appellate Authority on 05.08.2017.
6. Documents filed by the Counsel for the Appellant, before the Appellate Authority, dt: nil.
7. Govt. Memo No. 991/CV.1/2009, dated:25.04.2018, 05.06.2018, 05.07.2018, 08.08.2018, 17.09.2018, 28.11.2018, 29.12.2018, 11.01.2019, 05.02.2019 & 19.02.2019.

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ORDER:

In the reference 1st read above, the District Collector, Kurnool has issued orders rejecting the issuance of SC-Bariki community certificate to Sri Bariki Narasappa, S/o B. Lakshmaiah & his children viz., Bariki Sireesha and Bariki Akhilesh. Aggrieved by the above orders, the appellant has filed the appeal petition, before the Government & after examining the said appeal petition and after giving opportunity to the individual, the Government have rejected the appeal petition, and have passed orders in the reference 2nd read above.

2. In the reference 3rd read above, Sri Bariki Narasappa, S/o B. Lakshmaiah has filed W.P.No.29220/2008, before the Hon'ble High Court of AP, against the G.O.Ms.No.213, S.W.(CV.1) Department, dated: 20.11.2008 & proceedings Rc.No.C6.1306/M/2004, dated: 08.09.2005, of the District Collector, Kurnool. The Hon'ble High Court of AP, while disposing the said WP on 29.12.2015 has directed the Government, for fresh consideration of the matter, in accordance with law, after giving notice and opportunity of being heard to the petitioner & ordering that this exercise shall be completed within a period of six weeks from the date of receipt of the order, and till such exercise reaches finality, status quo shall be maintained. But, due to several administrative difficulties, the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

3. As per the directions of the Hon'ble High Court of AP, the matter has been taken up by the Government to re-examine the matter by giving opportunity to the appellant. The said Revision Petition has been posted for hearing on 14.05.2016, 24.12.2016, 24.01.2017, 17.06.2017, 05.08.2017, 19.05.2018, 23.06.2018, 21.07.2018, 18.08.2018, 06.10.2018, 15.12.2018, 05.01.2019, 02.02.2019, 16.02.2019 & finally on 02.03.2019 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 4th & 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 5th read above, the Appellant has filed written arguments in support of his

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SC-Bariki community claim, before the Appellate Authority, at the time of hearing on 05.08.2017 and in the reference 6th read above, the Counsel for the appellant has filed documents before the Appellate Authority.

4. After hearing both the sides & on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Kurnool and proceedings of the District Collector, Kurnool, dated: 08.09.2005, the Appellate Authority has observed that :

I. The Appellant in his written arguments has stated that he belongs to the SC-Bariki community & his father and forefathers belongs and also having the same SC-Bariki social status, resided at Adoni Town in Kurnool District. His father is blessed with six sons and two daughters & worked as a Mason during his life time & due to that he has been living in various parts of Kurnool District. He has further stated that his brothers have settled at various places of Kurnool District & his elder brother studied up to 9th class at Adoni, during the year 1955, under SC category. The School Certificates of his family members were not considered by the DLSC. The District Collector has not conducted independent enquiry and he did not arrive at any independent conclusions on the community claim of the appellant & simply relied upon the report submitted by the DLSC. The District Collector, has illegally and erroneously describe the social status of the appellant as Bestha classified under Backward Class for which there is no basis at all & has mentioned that no separate 'Bariki' community is existing in Kurnool District and passed orders without giving any opportunity to him. The appellant has prayed to direct the District Collector, Kurnool for issuance of SC-Bariki caste certificates to his children by following the principal of natural justice and procedure there under.

II. The District Level Scrutiny Committee has observed that at the time of enquiry at Halvi village, Adoni Division on 01.09.2005 with the elders of the Bariki caste people about origin of their caste, relationship with other caste people, their matrimonial alliances etc., they have stated that their caste people are also called "Telugollu" and "Ganga Mathasthulu". They are residing in other villages viz., Badinehal, Kuntanahal, Chittenechal, Arikera, Joharapuram, Pedda Thumbalam, Chinna Thumbalam villages and in Adoni and Yemmiganur towns. Some of their families are performinmg archaka duties in Sunkulamma and Pothappa Devatha temples in villages. They have stated some of their Gotrams as Gonu Bovulu, Meka Bovulu, Gante Bovulu, Kasi Bovulu, Bomma Bovulu, Ponna Bovulu, Surya Bovulu, Loka Bovulu. In earlier days, as and when the Tahsildars visited the villagers, some of their caste people have attended their services such as cooking, supply of water etc. Hence Bariki Inam lands were reserved to them and called them with surname as "Bariki". They mingle with all other caste people and do not suffer untouchability. The enquiry reveals that the persons claiming "Bariki" caste certificates in Adoni Division belong to "Telugu Vallu" (Besta) caste, which comes under Backward class but not come under Scheduled Caste. Based on the findings of the DLSC, the District Collector has rejected issuance of SC-Bariki community certificate to the appellant & his children.

III. Vide G.O.Ms.No.213, Social Welfare (CV.1) Department, Dated: 20.11.2008, the Government have upheld the proceedings, dated 08.09.2005 of the District Collector, Kurnool, by giving opportunity to the appellant .

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority has observed that during the course of the hearings scheduled for the case, the appellant not present and there is no representation for the appellant and proof of service of notice is filed indicating that the notice served by concern & as such the appellant is aware of the date of the hearing but he has not turned up and there is no

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representation on his behalf and after observing that the matter is pending since several years, the same is ordered for adjudication on merits and based on the material records available. On verification of the documents and material available on the record it is noticed that the contention of the appellant is not substantiated by documentary evidence. It is observed that as seen from the record that he has not adduced any evidence to show that the individual belongs to the SC (Bariki) community. The Government, based on the directions of the Hon'ble High Court of AP, Hyderabad in W.P.No.29220/2008, dated 29.12.2015 filed by Sri Bariki Narasappa, S/o B. Lakshmaiah and in order to ensure that the principles of natural justice are scrupulously followed, have given the Appellant ample opportunity to file any records or documents in proof of his caste. As per section 6 of Act 16 of 1993, the burden of proof lies on the Appellant and it is the responsibility of the appellant to produce the necessary evidence and documents to claim the same. The Appellant failed to produce any evidence to substantiate his contention that he belongs to SC (Bariki) community. That taking consideration of the above and the material available on the record that it can be concluded that there is no merits in the Revision Petition.

5. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), hereby decide that the Revision Petition filed by Sri Bariki Narasappa, S/o B. Lakshmaiah, does not merit any consideration. Hence the Proceedings of the District Collector, Kurnool issued vide Rc.No.C6.1306/M/2004, dated: 08.09.2005, is hereby upheld.

6. The District Collector, Kurnool is directed to take necessary consequential action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Kurnool.

Sri B. Narasappa, S/o Latre B.Lakshmaiah,
Flat No.210, Sri Srinivasa Residency,
Karakambadi Main Road, T.N. Palen, Tirupati - 517507.

Copy to:
The PS to Minister(SWE & Cinematography).
The PS to Principal Secretary(SW).

// FORWARDED :: BY ORDER //

SECTION OFFICER